

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GREGORY ALLEN CLAYBON, §
Petitioner, §
v. § Civil Action No. **3:07-CV-546-L**
NATHANIEL QUARTERMAN, Director §
Texas Department of Criminal Justice, §
Correctional Institutions Division, §
Respondent. §

ORDER

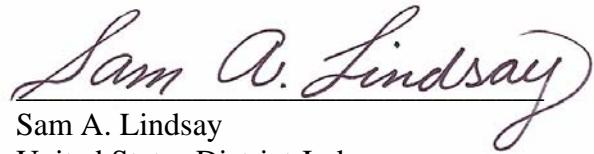
This is a habeas case brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On March 28, 2007, the Findings and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.*

After making an independent review of the pleadings, file and record in this case, and the findings of the magistrate judge, the court determines that the findings are correct in recommending dismissal without prejudice of the § 2254 petition, as Petitioner has failed to obtain an order from a three-judge panel of the court of appeals authorizing the court to entertain this successive habeas petition. As the court determines that the magistrate judge's findings are correct, they are **accepted**

*The court's docket reflects that the Findings and Recommendation of the United States Magistrate Judge were mailed to Petitioner on March 28, 2007, at the address of his imprisonment within the Texas Department of Criminal Justice, but was returned as undeliverable with the notation on the envelope "inactive." The court does not know whether Petitioner has been released, and is no longer in the custody of the TDJC, but the local rules require a *pro se* party who has moved to notify the court of any changes in address or contact information, which Petitioner has not done in this case. *See* Local Rules 83.13, 83.14

as those of the court. Accordingly, Petitioner's application for the writ of habeas corpus is **denied**. This case is hereby **dismissed without prejudice** until a three-judge panel of the Fifth Circuit orders that Petitioner's application for habeas relief may be heard.

It is so ordered this 27th day of April, 2007.


Sam A. Lindsay
United States District Judge